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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,301	10/31/2003	Michael K. Fortuna	21312.00	9878

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EXAMINER

SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
3618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/697,301		FORTUNA, MICHAEL K.	
	Examiner		Art Unit	
	J. Allen Shriver		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/31/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldman et al. (US 5,564,125) in view of Kaplan (US Patent 4,689,829).** Waldman et al. discloses a ski lift blanket (jacket) to aid in keeping a skier warm while riding on a ski lift, comprising a fabric sheet defining a main body (48) of the blanket (jacket) and having a high collar (59) extending from the main body adapted for covering a face of the skier; at least two inside pockets (52,54) disposed on the main body dimensioned and configured for gloved hands, whereby the skier is able to hold the ski lift blanket closely; a belt (30,32) having opposing ends and mating fasteners (34,36) disposed on the opposing ends, the belt being positioned at a lower section of the main body and being adapted for fastening around the skier's waist.

Waldman et al. does not disclose wherein the fasteners disposed on the belt are hook and loop. Kaplan discloses providing hook and loop fasteners (12c, 12d) on opposing ends of a belt for fastening a blanket around the waist of the skier. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to substitute the hook and loop fasteners disclosed in Kaplan for the buckle fastener disclosed in Waldman et al. The motivation for

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doing so would have been to allow the belt to be secured and removed easily while the person was wearing gloves during skiing.

The combination of Waldman et al. with Kaplan would also disclose at least two straps (13a, 13b) extending from the main body, whereby the blanket is rolled up and secured by the straps when not in use by the skier (See Figs. 3 and 5 of Kaplan).

Regarding claim 2, Waldman et al. discloses wherein the main body and face shield are constructed of a wind-resistant and water-resistant material flexible enough to allow the ski lift blanket (jacket) to be folded and rolled up.

3. **Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldman et al. (US 5,564,125) and Kaplan (US Patent 4,689,829) as applied to claim 1 above, and further in view of Govaars (US Patent 3,849,802).** The combination of Waldman et al. and Kaplan

disclose the ski lift blanket wherein the main body has a multiplicity of layers. However, the combination does not disclose one layer being a reflective layer made from aluminum. Govaars discloses providing a reflective layer made from aluminum. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide an aluminum reflective layer in the blanket (jacket) disclosed in Waldman et al. in view of the teaching of Govaars. The motivation for doing so would have been to reflect the body heat of the user back to the user in order to keep the user warmer.

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Conclusion

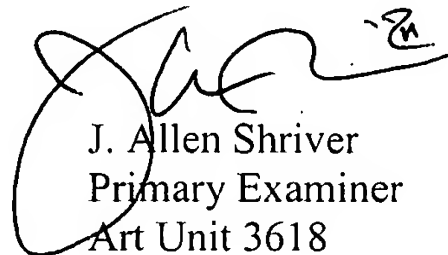
Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (571) 272-6698. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (571) 272-6914.

Any inquiry of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to: (571) 273-8300 (for formal communications intended for entry). (571) 273-6698 (for informal communications directly to the Examiner).


J. Allen Shriver
Primary Examiner
Art Unit 3618

JAS